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THE BUILDING CODE BATTLE

INSTITUTE OF ARCHITECTS CALLS FOR HEARINGS

And Protests to the Aldermen Against Hasty Action-Matter Likely to Be Up in the Board To-day Whether Report Is Made or Not.

When the new building code for this city comes before the Board of Aldermen this afternoon, as according to schedule and in all probability it will in the form of the majority report of the revision commission, which has been engaged with the subject for many months, there is likely to be an interesting few minutes. The code itself has not yet been published, but the objections of the minority have, and an indication of the temperature of the opposing elements is afforded by statements made yesterday by John D. Moore, minority report men and their backers.

Mr. Moore said that the minority report wholly and specifically misrepresented stiffened fingers before the welcome fire the attitude of the majority and the im- and tell his comrades how it fared out plications of the provisions of the ma- on the firing line. They would pass him

Mr. Doull said that the majority report others in their waiting duty. was in favor of certain monopolies, par-ticularly that represented by the National was expected of these soldiers. Briefly, Daniel F. Cohalan, is counsel.

said, which can be fulfilled only by a single concern.

What the upholders of the majority report have to say in behalf of that report naturally cannot be known in fulness or fairness until the report is presented to the Poard of Aldermen. This, it is expected, will be to-day, and it is said that if the building committee of the board does not report the matter or offer the majority report there will be a request made in open board that will call the whole subject up for discussion. There was a report vesterday afternoon that whole subject up for discussion. There was a report yesterday afternoon that the building committee would not report the code in its present shape, but this was strenuously denied.

AS TO A FAIR TRIAL. Bemarks of a Lawyer Seeking for the

Transfer of a Lawyer's Case. Charles E. Le Barbier, counsel for Jacob Rouse, the lawyer who is soon to be tried on a charge of obtaining the signature of Police Commissioner Bingham to a transcript of testimony taken at a police trial which had been fraudulently altered for use in the Appellate Division of the Supreme Court to secure the reinstatement of a dismissed policeman, asked Su-preme Court Justice Guy yesterday to transfer the case from General Sessions

transfer the case from General Sessions to the Supreme Court.

Mr. Le Barbier bases his plea on the fact that Rouss was an officer of the Supreme Court and wanted the case "to come before his alma mater" rather than before a court of limited jurisdiction.

Assistant District Attorney Kindleberger said that there was no reason why General Sessions couldn't handle the case.



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UNWELCOME SQUATTER OUSTED. Plum Island Evacuated by Mr. Steinhaus

-Not a Trigger Pulled by the Troops. All day yesterday twoscore members of the Twelfth Infantry, U.S. A., huddled closely about a driftwood blaze at Plum a member of the committee that prepared Island and opened round after round of the majority report and himself a con- clams. Now and then a sentry would tracting builder, and by Alderman Doull, break through the fog clouds that soudded who has been made a spokesman of the in before the stiff young breeze which swept the isle, and tossing his cartridge belt into his tent he would spread his the pail of clams and he would join the

Fireproofing Company, of which the the situation has unfolded itself thus: Grand Sachem of Tammany, the Hon. At the instance of the Plum Beach Association, headed by ex-Alderman Dotzler Mr. Moore says that the majority report and composed of nearly 100 settlers who does not forbid construction by concrete had abided by the decrees of this Governformed by the use of cinders-which is ment by forming themselves into a body nother way of saying that the Roebling Company, of which Richard Croker, Jr., is a member, is not by the majority report ruled out of the field of competition.

Alderman Doull on the other hand says that for practical purposes such construct

ruled out of the field of competition.

Alderman Doull on the other hand says that for practical purposes such construction is prohibited by the various terms and provisions of the majority report, and that this report makes a bad code worse by increasing the weight of all large buildings without requiring a corresponding increase in the strength of the steel uprights—the new requirements relating to the fireproof archings between the steel "1" beams.

The New York chapter of the American Institute of Architects through its executive committee sent yesterday to the Roard of Aldermen and President McGowan a resolution of protest against hasty action on the majority report. The resolution, which was signed by President Arnold W. Brunner and Secretary D. Everett Ward, said:

The executive committee of the New York Chapter of the American Institute of Architects is informed that the new building code for this city is to come before the Board of Aldermen for action to-morrow. The importance of this building code to the public and the building interests of the city is so that that we respectfully petition your large of this and the building interests of the city is so that the two respectfully petition your large of this city is to come before the Board of Aldermen for action to-morrow. The importance of this building code to the public and the building interests of the city is so that the two respectfully petition your large of the steel that we respectfully petition your large of the steel that the province of the Steinhaus cottage. Things were coming out and 'getting put into boats and hurried away. It was only a question of time

and the building interests of the city is so vital that we respectfully petition your honorable body to postpone final action on this code until an opportunity be given the public to examine and discuss it in its present form.

and the building interests of the city is so and getting put into boats and hurried away. It was only a question of time away. It was only a question of time away from the shore it must have been no little amount of satisfaction to this constitute away from the shore it must have been no little amount of satisfaction to this constitute away from the shore it must have been no little amount of satisfaction to this

ent form.

No public hearings have been held by the committee on buildings except those pre-liminary to the drafting of the code, and these were merely for the purpose of obtaining suggestions. We beg to urge that no building code be adopted without the most careful and full consideration of all its details.

One of the objections urged against the majority-report is directed against its requirements for standpipes which shall have nozzles capable of operation from the street floor, a condition, it is said, which can be fulfilled only by a single concern.

What the upholders of the majority are week in May.

Bitter Feeling Shown at Trial of Suit to

Oust Him as Executor of Estate. An action to determine whether or not Magistrate Frank E. O'Reilly shall remain as executor of the Heaney estate is on trial before Surrogate Ketcham in Brooklyn, having begun yesterday with the introduction of testimony intended to show that the estate was improperly administered and the pawnbroking business in Fifth avenue stultifled.

Arthur J. Heaney, eldest son of the old pawnbroker, is the complainant. He contends that the profits of the business were more than \$15,000 a year until 1905, when Matthew S. Whalen, the manager, was discharged by Magistrate O'Reilly; that since then there has been a decided falling off and that the executor has ruined business by withdrawing ready

Mr Le Barbier bases his plea on the fact that Rouss was an officer of the Supreme Court and wanted the case "to come before his alma matter" rather than before a court of limited jurisdiction.

Assistant District Attorney Kindleberger said that there was no reason why General Sessions couldn't handle the Case.

"We have had many lawyers tried in the Court of General Sessions," he said.

"I know you have," said Mr. Le Barbier but you won't try Mr. Rouss there if can help it. I can prove his innocence if we get a fair trial.

Decision was reserved.

NEW THERED BE A WRECK.

Physicians and Relief Train Sent to Scene Before 'Trains Met.

Lafaterre, Ind., May 17.—An investingation into the collision between Monon passenger and freight trains near Bloomington Friday morning shows that a wreck train was started to the scene before it took place.

O. C. Miller, night operator at the yard office south of Bloomington, failed to give the passenger train orders to meet the freight at Retchams. The fact was noticed all along the line and a few minutes after the train left the yard office south of Bloomington, failed to give the passenger train orders to meet the freight at Retchams. The fact was noticed all along the line and a few minutes after the train left the yard office Miller, realizing that he had forgotten to give the order and that a collision was inevitable, telegraphed his recignation.

The officials at Bloomington got busy and an order was sent for the wreck train and order was sent for the wreck train the doctors were summoned.

O. C. Miller, night operator at the yard office south of Bloomington, failed to give the passenger train orders to meet the freight at Ketchams. The fact was noticed all along the line and a few minutes after the train left the yard office Miller, realizing that he had forgotten to give the order and that a collision was inevitable, telegraphed his resignation.

The officials at Bloomington got busy and an order was sent for the wreck train and crew before the accident occurred. Even the doctors were summoned.

Mrs. A. P. Heinze Must Pay for Her Elevator Company has obtained a judgment for \$1,644 against Mrs. Arthur P. Heinze in an action to foreclose a mechanic's lien on Mrs. Heinze's residence at 220 Madison avenue. Mrs. Heinze brought two counter-suits for \$2,000 each against the company, one alleging delay and another damage to the premises in the installing of an elevator there.

Even the doctors were summoned.



This summer brings the grandest outing opportunity of a lifetime. You may travel in trains which are unexcelled in their appointments, see some of the greatest sights in the world, and explore the marvelously productive Northwest

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Alaska-Yukon-Pacific Expedition, Scattle: June 1 to Cot, 16.
Annual Rose Festival, Fortland: June 7 to 18.
Mational Irrigation Congress, Spokane: August 5 to 16.
Rainier National Park and Paradise Valley, from Tacomaby Auto or Rali: June 1 to Cotober 1.
Tellowstone National Park: Sesson June 5 to September 25. Such a combination of attractions was never before known. UMMER TOURIST FARES to the North Psoific Coest, fay 20 to September 30, \$50 from St. Paul. Minnescois, Duluth, Superior, Kansas City and Omaha; \$62 com Chicago; \$57.50 from St. Louis. Round trip: with sturn limit of October 31, Liberal stop-overs. Propriationals have from the Basi generally.

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AMUSEMENTS.

TO-DAY || GAIETY THEATRE * THE LAMBS * STAR CAMBOL METROPOLITAN STERA MONDAY EVENING, MAY 24th JOSEPH P. DAY will have general charge of the auction, assisted by Augustus Thomas, De Wolf Hopper, William Collier, Raymond Hitchcock, Robert Hilliard, William Rodge, George Fawcett, Willon Lackaye, Joe Weber, Lew Fields, Jefferson de Angelis, Joseph Herbert, Clay Greene, Mort Smith, The mas A. Wise, Douglas Fairbanks, Maciyn Arbuckie, E. S. Abeles and J. R. Grismer.

Jean; or, the Jury Wheel's Mistake. Jean Webster of 55 West Tenth street was summoned under the name of "Jean Webster, author," to serve as a juror in

AMUSEMENTS. HIPPODROME 43d-441h
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DALY'S B'way & 20th St. Evgs. 8:15.
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LEW Herald Square Evs. 4:14. Mats. Wed FIELDS' Herald Square Sat., Dec'n Day, 2:14 Jefersen THE BEAUTY SPOT CASINO B'way 4 39th Tel 3646 - 38. EY.8:15

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SAT. NIGHT, Handsome Parasol to each lady.
RENRIESTA CROSMAN IN SHAM Monday, May 24, THE GAME OF LOVE. MACKETT Mata Thurs CRACE GEORGE Last
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WALTER'S FRANCES STARR GASTEST WAY. BELASCO EV. S.20. Mate. "GOING Thee. W. 42dSt. Decor's Day. SOME" KETTH & PROOTOR & Irene Franklin. Great FTM AVE Busy & Lester, Howard & How-The Mat. Daily 25 & 80c. roy-Lemaine & Co., otha. PLAZA Music Hall, Noth St., Mad. Av. Phone 5122—Plaza. Daily Matinee, 25c. JAMES K. HACKETT & E. M. HOLLAND, oths. AMERICAN MUSIC HALL, 42d St. Daily Mat., 2c. Eves., 25-30-75-1.00. RAND .- Net. To-morrow, 25-50c. Opera House. QUEEN OF MOULIN ROUGE EDEN WORLD IN WA I, Gypsy Musico-CINEMATOGRAPH Every Hour. MUSEE Potofone, Lucia.; Caruco, Sembriek,



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Loans to No. 37618, inclusive.

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I. L. FIRUSKI, Auct., 70 Bowery, sells 10
A. M., all pledges for unpaid loans from pawnbrokers pledged previous to dates and numbers,
both inclusive, and all older ones, as follows:
May 18—J. L. Fruhauf & Son, jewelry.
May 19—M. Simons & Son, 94 Hester st., all
pledges in Feb. and March, 1908, from Nos. 2490
to 6147, inclusive: S. Stern, 2271 8th av., all pledges
prior May 9, 1908, to, No. 56556.
May 20—Wm. Simpson, 91 Park row; all pledges
prior March 20, 1908, to No. 15666.
May 21—Fine consignment jewelry.
May 24—B. Guitter & Son, 135 Bowery, all pledges
prior May 15, 1908, to No. 3488; Geo. Weaver, 490
8th av., all pledges prior May 14, 1908. 9th av., all piedges prior May 14, 1908.

CENTRAL AUCTION CO., M. Sheehan, Auctionicer, 152 Canal at., sells 11 A. M.;

May 19—By M. Lavery, 204 9th av., also 2277 kd ave.; diamonds, jewelry, &c., piedged previous to May 10, 1608.

May 21—By E. Berger, 460 6th av.; Berger Bros. 204 West 42d st.: diamonds, jewelry, &c., piedged to May 10, 1908.

May 24—By J. Simpson & Co., 225 Park row; all diamonds, jewelry, &c., piedged previous to March 1, 1008, Nos., 1 to 10000, and all goods held over; 4lso ticket No. 52160. and all goods held over; 4lso ticket No. 52160.

May 25—By R. Simpson & Co., 143 West 42d st.: a i diamonds. jewelry, silverware, &c., piedged from No. 16000, Oct. 1, 1907, to 4,000, March, 1, 1908, and all goods held over.

JOS. SHONGOOD'S SONS, Auctrs... 24 Bowery, by Julius Shoarcod, Auctioneer:
May 15—Jewelry, &c., il. Harris. 513 6th av.
May 16—Jewelry, &c., pledged to May 12, 1908,
to No. 14904 inclusive; B. Fox. 72 8th av.
May 20—Jewelry, diamonds, &c., pledged to
May 1, 1908, to No. 71750, also older pledges; also
Me. 20086, Oct. 15, 1907, and No. 44513, Aug. 13,
1907; B. & S. Aufres. 279 Stanton at.
May 21—Mon's and women's clothing, &c.,
pledged prior to May 16, 1908; D. Silberstein's
Sons, 10 6th av.; Silberstein Bros., 2457 8th av.
May 24—Clothing, &c.; final sale L. Bruckhelmer,
796 26 av.: A. Rhode, 807 Celumbus av.

ELI SOBEL. Auct. 30 Bowery, sells 10 A.M.;
May 14—Clothing; M. Rothman Sons, 445 Canal st.
May 16—Clothing; Sol. Unger. 171 Amsterdam av.
May 20—Jewelry; Weinberger Bros., 186 Ave. A.
May 21—Jewelry; Sol. Unger. 171 Amsterdam av.
May 24—Jewelry; Rich Cohen, 2794 3d av. and
Y. Gluck & Son, 1429 3d av. CENTRAL AUCTION CO., Wm. McCarty, Auctioneer, 169 Canal st., sells 10 A. M.; May 24—By Borney Loan Co., 1865 3d av., and t. Levy, 185 Varick st.; clothing pledged to May 4, 1908.

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Leave New York, week days and Sundays. Pler 45. North River. near foot Christopher Street. 5 P. M. Leave India Wharf, Boaton, same hour; due either city 8 o'clock near morning. Through tickets to all points. An unbroken night's rest from City to City. Most fascinating salt water trip in the World. Ask for tickets via Metropolitan Line. On sale at Wharf, also at N. Y. Transfer Co. and Tourist Offices throughout the City. EXPRESS SERVICE FOR PASSENGERS FREIGHT, AUTOMOBILES & HORSES.

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